

REMARKS***Summary of the Amendment***

Upon entry of the above amendment, claims 1, 7, 8, 17, and 20 – 23 will have been amended and claims 6 and 19 will have been canceled without prejudice or disclaimer. Accordingly, claims 1 – 5, 7, 8, 10 – 18, 20 – 25, and 27 – 32 currently remain pending.

Summary of the Official Action

In the instant Office Action, the Examiner has provisionally rejected all claims based upon the judicially created doctrine of obviousness-type double patenting. By the present amendment and remarks, Applicant submits that the rejections have been overcome, and respectfully requests reconsideration of the outstanding Office Action and allowance of the present application.

Provisional Rejection Under Judicially Created Doctrine of Obviousness-type Double Patenting

Applicant traverses the provisional rejection of claims 1 – 8, 10 – 25, and 27 – 32 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over copending U.S. Patent Application No. 10/382,491 in view of HINCHCLIFFE (U.S. Patent No. 4,614,198) or KORBER (U.S. Patent No. 2,821,199). Applicants traverse the Examiner's assertions.

Applicants' independent claim 1 recites, *inter alia*, transferring the connecting sheet to the cigarette/tip group such that the connecting sheet is arranged on the cigarette/tip group *with two free ends* and, after transferring the connecting sheet to the cigarette/tip group, the process further comprises *applying one of the two free ends of the connecting sheet to the cigarette/tip group to form the partially connected*

components. As acknowledged by the Examiner the claims of U.S. Patent Application No. 10/382,491 do not provide any teaching or suggestion for transferring the connecting sheet to be arranged on the cigarette/tip group with two free ends, as recited in at least independent claims 1, 17, and 32.

Further, while HINCHCLIFFE and KORBER arguably disclose a connecting sheet attached with two free ends, there is no teaching or suggestion for modifying the claims of U.S. Patent Application No. 10/382,491 to include these features. In particular, the art of record fails to provide any teaching or suggestion that the devices of HINCHCLIFFE or KORBER can be utilized in such a way that the recited spacing between the articles can be accomplished, as recited in the claims of U.S. Patent Application No. 10/382,491.

Because it is not apparent that this feature of U.S. Patent Application No. 10/382,491 can be maintained in the asserted combination, Applicants submit that no proper combination of the claims of U.S. Patent Application No. 10/382,491 and HINCHCLIFFE or KORBER can even arguably render unpatentable the instant invention, as recited in at least independent claims 1, 17, and 32.

Moreover, in an effort to even more clearly define the invention, Applicants note that independent claims 1 and 17, in an effort to advance prosecution, have been amended to recite the features of now canceled claims 6 and 19, respectively, to recite the manner or device for applying one of free ends of the connecting sheet to the cigarette/tip group.

Further, Further, Applicant submits that claims 2 – 5, 7, 8, 10 – 16, 18, 20 – 25, and 27 – 31 are allowable at least for the reason that these claims depend from

allowable base claims and because these claims recite additional features that further define the present invention. In particular, Applicant submits that no proper combination of the claims of U.S. Patent Application No. 10/382,491 and HINCHCLIFFE or KORBER can even arguably render unpatentable the instant invention.

Accordingly, Applicants request the Examiner reconsider and withdraw the rejection of claims 1 – 8, 10 – 25, and 27 – 32 under the judicially created doctrine of obviousness-type double patenting and indicate that these claims are allowable.

Application is Allowable

Thus, Applicants respectfully submit that each and every pending claim of the present invention meets the requirements for patentability under 35 U.S.C. §§ 102 and 103, and respectfully request the Examiner to indicate allowance of each and every pending claim of the present invention.

Authorization to Charge Deposit Account

The undersigned authorizes the charging of any necessary fees, including any extensions of time fees required to place the application in condition for allowance by Examiner's Amendment, to Deposit Account No. 19 - 0089 in order to maintain pendency of this application.

CONCLUSION

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicants' invention, as recited in each of claims 1 – 8, 10 – 25, and 27 – 32. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Respectfully submitted,
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